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FURTHER REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTIONS 1025 (1995) AND 1026 (1995)

I. INTRODUCTION

1. Since my report of 23 November 1995 (S/1995/987), the Security Council has decided to establish new United Nations missions in the Republic of Bosnia and Herzegovina (resolution 1035 (1995)), and in the Republic of Croatia, the region of Eastern Slavonia, Baranja and Western Sirmium (resolution 1037 (1996)) and the Prevlaka peninsula area (resolution 1038 (1996)). The present report is intended to update the Council on relevant events throughout the United Nations Peace Forces (UNPF) mission area since 23 November. It is also intended to apprise the Council of the progress achieved in phasing out the United Nations Protection Force (UNPROFOR), the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, and the UNPF headquarters arrangement, and to outline the structure of the new United Nations operations as from 1 February 1996. A separate report is being submitted pursuant to Security Council resolution 1027 (1995) on all aspects of the United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia.

II. DEVELOPMENTS CONCERNING UNPF-HQ, UNCRO AND UNPROFOR

Bosnia and Herzegovina

2. The signing of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (the Peace Agreement) (S/1995/999, annex) in Paris on 14 December 1995 led to a marked improvement in the military situation on the ground in Bosnia and Herzegovina. In many areas, the number of cease-fire violations was reduced substantially as the parties showed their readiness to comply with the terms of the Peace Agreement.

3. In keeping with Annex 1-A, article VII, of the Peace Agreement and Security Council resolution 1031 (1995), UNPROFOR began withdrawing from Bosnia and Herzegovina those parts of the Force which would not be incorporated into the multinational Implementation Force (IFOR). UNPROFOR also facilitated preparations for the arrival of IFOR. On 20 December 1995, the transfer of

authority from UNPROFOR to IFOR took place, with the IFOR commander, Admiral Leighton Smith, assuming command. At that date a number of UNPROFOR troops had already left the theatre as part of a restructuring exercise and, of the approximately 21,000 UNPROFOR and Rapid Reaction Force troops that remained, about 18,500 were designated to stay on as part of IFOR. The repatriation of the remaining 2,500 troops began in late December 1995.

Croatia

4. On 12 November 1995, the Government of Croatia and the local Serb authorities in Sector East signed the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the Basic Agreement) (S/1995/951, annex). Subsequently, while a certain degree of tension and uncertainty remained, the level of cease-fire violations declined steadily, to almost nil. The commanders of Croatian forces in the Osijek region and the local Serb forces meet weekly, under UNCRO auspices, to discuss ways to reduce tension. In addition, there have been signs of demobilization on both sides of the zone of separation and an increase in freedom of movement for United Nations personnel.

5. In the former Sectors North, South and West, UNCRO continued, up to the expiration of its mandate on 15 January 1996, to monitor and report on the human rights situation of the remaining Serbs and of those Serbs detained as a result of Croatian military actions in May and August 1995. The situation of the Serbs who have remained in Croatia has shown some improvement as a result of measures taken by the Government of Croatia, including intensified efforts by local authorities to address the pressing humanitarian needs in the former sectors. In addition, the Government's recommendation to the Sabor to extend the time period for the Croatian Serb owners of property to return to Croatia to reclaim their property is a positive development. At the end of December 1995, charges of armed rebellion were dismissed against 450 Serb detainees; however, the International Committee of the Red Cross continues to monitor 389 people who have been detained in relation to the conflict. The lack of specificity of charges and inadequate legal representation for those Serbs who are still detained continue to be of concern. While small groups of Serbs have been readmitted to Croatia, the right to return is still being severely curtailed by the absence of constructive measures to facilitate the process of return.

6. Since my report of 23 November 1995 (S/1995/987), the withdrawal and repatriation of United Nations military personnel from Croatia has continued. The only such personnel remaining in former Sectors North, South and West are small rear parties providing security for United Nations equipment. On 1 December 1995, the command and control of UNCRO military operations in Sector East was transferred from UNCRO to UNPF headquarters.

7. Since the end of the UNCRO mandate on 15 January 1996, all United Nations civilian police officers have been withdrawn from the former sectors and are being redeployed either to Bosnia and Herzegovina or to the new operation in Eastern Slavonia, Baranja and Western Sirmium. The last civil affairs personnel were withdrawn from the former sectors on 17 January 1996. It is expected that the redeployment of all United Nations personnel and equipment will be completed by the end of February 1996, except for some military personnel who may still be required to provide logistic support to the new operation, the United Nations

Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES).

8. Following the signing of the Basic Agreement, work commenced to develop a conceptual framework and to identify activities and tasks for implementation and coordination mechanisms, as well as resource requirements. Contacts with the parties have been initiated to undertake preparatory work for the Transitional Administration, with a view to promoting understanding of the Basic Agreement and moving forward with confidence-building measures. A joint meeting on economic issues has also been held. Mr. Jacques Paul Klein, who has since been appointed Transitional Administrator, has made two visits to the region. He met with President Tudjman of Croatia and with President Milosevic of Serbia, as well as with local Serb representatives in Eastern Slavonia and Croatian Government officials at Osijek.

Prevlaka

9. Since my last report on 23 November 1995, the United Nations military observers have continued to monitor the situation in Prevlaka, which has been generally quiet and stable. In early January 1996, however, Croatian tanks and other military equipment were observed in an area to the south-east of Dubrovnik, but none of these movements by the Croatian army was in the area of the demilitarized zone. Pursuant to resolution 1038 (1996), it is my intention to maintain 28 United Nations military observers in the Prevlaka area, under the command and direction of a Chief Military Observer, who will report directly to United Nations Headquarters in New York. The mission will be known as United Nations Mission of Observers in Prevlaka (UNMOP).

United Nations Peace Forces headquarters

10. UNPF headquarters (UNPF-HQ) has been providing support for my Special Representative and UNPF's constituent missions. It has also been responsible for the overall coordination, control and direction of political, military and civil affairs activities within the mission area, including the coordination of reporting on human rights. Its Division of Information has conducted information activities, including television, radio and print production, in support of the missions.

11. UNPF has maintained a liaison office in the Federal Republic of Yugoslavia (Serbia and Montenegro) to conduct political liaison, public information and support activities for UNPF movement through that country. The office will continue to undertake tasks relevant to the monitoring of the Prevlaka peninsula, as mandated by resolution 1038 (1996). The Belgrade liaison office has enjoyed a high level of cooperation from the federal authorities.

12. As mentioned earlier, command and control of military operations in the former Sector East, as well as the rear parties remaining in the other sectors, was transferred from UNCRO to UNPF headquarters on 1 December 1995. Except for those small rear parties, the withdrawal of UNCRO-formed military units from the former Sectors North and South and Western Slavonia was completed on 15 December 1995. On 20 December, responsibility for operations in Bosnia and Herzegovina was transferred from UNPROFOR to IFOR. UNPF headquarters was tasked

to coordinate the withdrawal from Bosnia and Herzegovina of those units which did not transfer to IFOR, with the majority to be repatriated by mid-February 1996. There have been some delays in the repatriation process attributable to the absence of decisions by the North Atlantic Treaty Organization (NATO) and individual countries concerning the possible transfer of troops to IFOR. The need to make careful decisions concerning financial considerations and negotiations on possible contributions to UNTAES and IFOR have been factors that have caused considerable delays in the withdrawal from Bosnia and Herzegovina. Finalization of the transfer of command to UNTAES awaits the appointment of a Force Commander and the establishment of a headquarters capable of assuming operational command of the UNTAES force. Until this occurs, command and control of UNTAES military forces will continue to be effected from Zagreb.

13. To provide policy direction for the transition of responsibilities in Bosnia and Herzegovina from UNPROFOR to IFOR, a Steering Committee on Transition of Responsibilities in the former Yugoslavia has been established. The Committee is composed of United Nations civilian and military personnel and the NATO Liaison Officer to UNPF, and it assists the Special Representative of the Secretary-General in matters pertaining to United Nations agencies and programmes that are involved in implementing the Dayton Agreement, as well as in the transition of responsibilities in Bosnia and Herzegovina from the United Nations to NATO.

14. A Liquidation Task Force, composed of representatives from the UNPF civilian and military staffs, was initially established on 3 November 1995 to plan, coordinate and monitor the closure of UNCRO and the restructuring of UNPROFOR. As the situation has evolved, so too has the Task Force, its focus now being the winding down of UNPF activities, the reallocation of assets to the new operations and the sale of United Nations-owned equipment to IFOR. The Task Force acts under the direction of the Assistant Secretary-General for Management and Coordination of the Department of Peace-keeping Operations.

15. The daily management of the reallocation of assets to the new operations and transfer of equipment from UNPROFOR to IFOR, as well as the repatriation of units not being transferred to IFOR, is undertaken by a Liquidation Team, also composed of both military and civilian staff. The Team will identify surplus property and make appropriate arrangements in accordance with standing United Nations rules and procedures.

III. THE NEW UNITED NATIONS MISSIONS

United Nations Mission in Bosnia and Herzegovina

16. As outlined in my report of 13 December 1995 (S/1995/1031), the United Nations has two principal responsibilities under the Peace Agreement for Bosnia and Herzegovina. First, in addition to its ongoing humanitarian activities, the Office of the United Nations High Commissioner for Refugees (UNHCR) will take the lead with respect to the return of refugees and displaced persons. Second, an International Police Task Force (IPTF) will assist the parties in carrying out their law enforcement responsibilities as stipulated in Annex 11 to the

Peace Agreement and explained in my report. By resolution 1035 (1995) of 21 December 1995 the Council authorized the establishment, for one year, of IPTF and the United Nations civilian office, placing both under the authority of the Secretary-General through a United Nations Coordinator. This operation will henceforth be referred to as the United Nations Mission in Bosnia and Herzegovina (UNMIBH). IPTF and the civilian office will function under the authority of the United Nations Coordinator, who will be the Special Representative of the Secretary-General and Head of Mission of UNMIBH, and who, in turn, will coordinate with the High Representative. Furthermore, as I have also stated in my report (S/1995/1031), there is a vital need to continue the work begun by the UNPF Mine Action Centre. Therefore, I recommend that an appropriate number of civilian personnel be deployed to form a Mine Action Centre in Bosnia and Herzegovina, as part of UNMIBH. This Mine Action Centre will work in concert with the Government of Bosnia and Herzegovina and IFOR and will continue until the Government can take over full responsibility for mine clearance.

17. A number of steps have been taken to establish the new United Nations mission in Bosnia and Herzegovina as quickly as possible. Mr. Antonio Pedauye was appointed Interim United Nations Coordinator for UNMIBH from 5 to 31 January and was succeeded by Mr. Iqbal Riza who was appointed Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina on 1 February. In conjunction with the end of the UNCRO mandate, most of the remaining United Nations civilian police monitors in Croatia have been redeployed. There are now about 233 monitors in Bosnia and Herzegovina, deployed under the supervision of Commissioner Peter Fitzgerald, who arrived in theatre on 29 January; further monitors are being deployed expeditiously. United Nations civilian police monitors have intensified patrols on both sides of the confrontation line in Sarajevo, and were active in negotiating the release of 19 civilians detained by Bosnian Serb authorities.

18. As additional personnel arrive in theatre, district headquarters and logistics support sites are being opened as a framework for the further deployment of monitors to individual police stations throughout the country. IPTF regions and districts, with priority being given to Sarajevo, will become operational as personnel and facilities become available. A United Nations civilian police training and support unit will be retained in Zagreb for in-theatre reception and administration of monitors for UNTAES and UNPREDEP, as well as IPTF. As at 22 January, 43 of the 51 Member States approached by the Secretariat had responded, offering a total of 1,970 monitors for employment with IPTF. I must emphasize the urgent need for the earliest possible deployment of the monitors in theatre to cope with the pressing civilian police tasks outlined in the Peace Agreement.

19. Civil affairs offices are being opened in Serb areas, and relocated as necessary in the Federation, to maintain contact with political representatives of the parties and to support IPTF at all regional headquarters and districts. These offices may participate in local and regional confidence-building, and will provide information, analysis and other support to the United Nations Coordinator and through him to the High Representative.

United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium

20. In the period leading up to the full deployment of UNTAES military forces, the civilian tasks of the Transitional Administration will be initiated as far as possible. The existing civil affairs presence in the region will be strengthened by redeployment of personnel already in theatre, to be complemented by additional staff with specialized skills, so as to take up new tasks in areas of public administration, law, elections, education, culture and economic matters. The headquarters of UNTAES will probably be located at Vukovar and there will also be a principal office at Osijek. Other offices will be in locations of administrative and political significance, such as Beli Manastir inside the region and Vinkovci outside it. In addition, the United Nations liaison offices in Zagreb and Belgrade (see para. 24 below) will be utilized to ensure close cooperation at all levels of government. The important tasks relating to the return of refugees and displaced persons will be undertaken by UNHCR in close cooperation with the Transitional Administrator. As regards elections, in accordance with paragraph 12 of the Basic Agreement, the Transitional Administrator will in due course explore with international organizations and interested States the extent to which they can provide support in overseeing the elections which are to be held no later than 30 days before the end of the transitional period.

21. Work is already in hand to advance the process of cooperation through joint meetings with local authorities. Current confidence-building activities will be intensified, in conjunction with UNHCR and other interested international partners. In particular, joint meetings at the technical level will be held on preparatory measures to open up communication links, including the Zagreb-Belgrade highway, local telephone services, railways, river ports and airfields. High priority will be given to the restoration of public services and the encouragement of local trade. The joint committees are a consultative mechanism involving both parties, and are thus the main support for the implementation by the Transitional Administrator of the civilian tasks given to him in the Basic Agreement. Member States and international organizations will be encouraged to make financial and other contributions to assist the economic recovery of the region, under the coordination of the Transitional Administrator. The UNTAES Mine Action Centre will assess the mine situation and develop appropriate proposals. In cooperation with the Department of Humanitarian Affairs, the Transitional Administrator will approach the international community for assistance in mine-clearance programmes to be implemented during the transition period.

22. The role of the police will be critical. Under the authority of the Transitional Administrator and monitored by the United Nations civilian police, local professional policemen will be selected from both sides to join the transitional police force and a training programme will be organized. This force will need to be fully trained and operational by the time demilitarization commences, so as to provide confidence and security within the region. I cannot over-emphasize the importance of Member States making available adequate numbers of high quality United Nations civilian police monitors to meet this important need.

23. The Transitional Administration will also launch a vigorous public information campaign in order to promote full understanding of its goals and priorities.

United Nations liaison offices in Zagreb and Belgrade

24. In view of the interrelated nature of the situations in the various areas of the former Yugoslavia and because of the importance of the policies of the Governments of Croatia and the Federal Republic of Yugoslavia regarding events within the region, I intend to retain liaison offices in Belgrade and Zagreb which will report to United Nations Headquarters in New York. The primary task of these offices will be to provide political and information support to all the United Nations missions in the former Yugoslavia. The liaison offices will maintain contacts with their respective host Governments on issues relevant to the missions; relay relevant information (including media reports) to United Nations Headquarters and to the three missions; undertake liaison tasks on behalf of the missions; provide assessments and advice to other United Nations agencies operating in the region; and provide timely and accurate public information on United Nations activities to local and international media. In addition, the Belgrade Liaison Office will include a small military cell to provide movement control functions for both road and air movements and to maintain liaison with the General Staff of the Federal Republic of Yugoslavia. In this regard, it is assumed that the Federal Government will extend to the United Nations, its personnel, property, funds and assets, the necessary privileges and immunities deriving from Article 105, paragraph 1, of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations and the customary principles and practices applicable to United Nations peace-keeping or similar operations. Negotiations have commenced with the Government of Croatia to extend the existing Status of Forces Agreement to include UNTAES and the proposed liaison office in Zagreb.

IV. ADMINISTRATIVE SUPPORT ARRANGEMENTS

25. A detailed review of the question of establishing independent administrative support structures for both UNTAES and UNMIBH has shown that in order to support the functioning of the substantive components of the missions it is imperative to retain for the time being the centralized administrative support structure currently established in UNPF. Independent administrations in the two missions will be set up later without hampering substantive work.

26. It is intended that, with the phasing out of the UNPF-HQ arrangement on 31 January 1996, the administrative support structure of the mission will enter into a transition phase, to be implemented by a Transition Office for United Nations Operations in the Former Yugoslavia, which will be located in Zagreb; its task will be to provide all aspects of administrative support for UNTAES and UNMIBH, as well as for the Prevlaka mission (UNMOP), the Zagreb and Belgrade liaison offices and, whenever necessary, UNPREDEP. Parallel to these responsibilities, the Transition Office will assist in building up independent administrative support structures for the new missions and perform administrative liquidation tasks for UNCRO, UNPROFOR and UNPF.

27. It is planned to retain the present structure, staffing level and material resources of the UNPF Division of Administration upon its transfer to the Transition Office for a period of up to five months (until the end of June 1996), taking into account the deployment schedule of UNTAES and UNMIBH. A part of this structure includes a military liquidation team which expects to complete its tasks by the end of March 1996. As separate administrative support infrastructures are established in the new missions, personnel and assets held by the Transition Office will be transferred to them as quickly as circumstances on the ground will allow, including the availability of adequate office space and facilities to enable them to undertake independent administrative operations by the end of the transitional period. Thereafter, the functions of the Transition Office will be amalgamated with those of the UNPF Liquidation Team and a minimal staff will finalize the administrative liquidation of the former United Nations missions in the area.

28. For reasons of cost-effectiveness, it is envisaged that some elements of administrative support for UNMIBH, UNMOP and UNTAES, such as the communications master network control centre, transport spare parts warehousing and, possibly, civilian air support, will continue to be centralized, and will be attached to one of the new missions in the area for administrative and budgetary purposes.

V. OBSERVATIONS

29. For almost four years, United Nations peace-keeping missions in the countries of the former Yugoslavia have worked tirelessly in dangerous and adverse conditions, often without sufficient resources and under complex and demanding mandates. Lightly armed peace-keepers and unarmed civilians were sent into areas of active warfare, where their courageous efforts helped to save untold human lives and to alleviate the suffering of the civilian population. At the same time, it became obvious that a peace-keeping mission cannot achieve its objectives without the unfailing support and commitment of the international community in terms of financial and human resources required for the implementation of its mandate, as well as the full cooperation of the parties to the conflict.

30. However, with the new momentum created by the Dayton Peace Agreement and the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, it is gratifying that United Nations expertise and experience have been recognized and that the new missions have been given appropriate tasks as part of a collective international endeavour to bring peace where only war has raged. None the less, adequate and appropriate resources for these United Nations missions remain of crucial importance. I am particularly concerned that the major international effort in Bosnia and Herzegovina should not obscure and deflect the need for substantial resources to be committed to UNTAES in Croatia. Failure in Croatia would not only have disastrous consequences for the local population but could also seriously undermine, and even lead to the failure of, international operations in Bosnia and Herzegovina, sowing the seeds for renewal of military contention following the withdrawal of IFOR. The Council's decision to authorize an initial troop strength of 5,000 for UNTAES makes it clear that the mission can succeed only if it receives the constant cooperation of the parties. In this context, mutual recognition between the Republic of Croatia

and the Federal Republic of Yugoslavia (Serbia and Montenegro) could be the most important factor in ensuring the peaceful transition of the region and the ability of all refugees and displaced persons to return voluntarily to their homes.

31. In Croatia, the primary responsibility for protecting the human rights of all its people, including minorities, lies with the Government. With the termination of the UNCRO mission, it is now up to other organizations and regional institutions to continue to meet the international community's concerns about respect for the human rights of minorities. Observance of human rights is the fundamental building block of democracy, stability and international acceptability for all States. It is my intention to continue to report on the human rights situation throughout the States of the former Yugoslavia, relying on the continuing work of the United Nations High Commissioner for Human Rights and the Special Rapporteur in accordance with their respective mandates.

32. In Bosnia and Herzegovina, the prospect of a major Serb exodus from parts of Sarajevo in advance of the return to government control under the Peace Agreement is a matter of great concern. I would hope that the combined international presence and effort, together with the full support and credible guarantees and actions by the Government, would create sufficient confidence for those Serbs to remain and for those who have already left to return. In this context, the practice of destruction of property and possessions prior to departure is both short-sighted and inadvisable, in that it minimizes the possibility of return and reduces the chances of compensation for property voluntarily abandoned and destroyed.

33. I am also concerned at the continuing difficulties on the ground in establishing the Federation as a viable and harmonious entity. While there appears to be full commitment at the intergovernmental level to making the Federation work, it will require constant nurturing, encouragement and support at the local level if it is to function as one of the two pillars of the Peace Agreement. An experienced United Nations presence throughout Bosnia and Herzegovina, working in close cooperation with IFOR and the High Representative, will make a substantial contribution to the common cause.

34. In making the necessary arrangements for the new United Nations missions established pursuant to Security Council resolutions 1035 (1995), 1037 (1996) and 1038 (1996), it is my intention to maintain a sufficient, but lean and cost-effective, staffing structure appropriate to the mandates of the new missions. I propose to terminate the post of Special Representative of the Secretary-General for the Former Yugoslavia and phase out his office by the end of February, the residual political support and liaison functions in Croatia being entrusted to the new Zagreb Liaison Office. In this context, I pay tribute to the work of Mr. Kofi Annan, my Special Representative for the Former Yugoslavia, in planning and establishing the new structures, in coordinating the transfer of responsibilities to IFOR, and in working with the large number of individuals and organizations that are bringing peace to the States of the former Yugoslavia. I also wish to place on record my warm appreciation to all the men and women who have served the cause of the United Nations so well in those countries.